

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Reginald Delaney, #26925-171,
a/k/a Reginald Keith Delaney, #272263,

Petitioner,

vs.

Warden, FCI Edgefield,

Respondent.

C/A No. 4:20-cv-3865-JFA-TER

ORDER

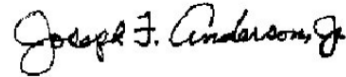
This matter is currently before the court on Reginald Delaney’s pro se Motion to Reconsider pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. (ECF No. 15).

After filing the original petition in this action, the Magistrate Judge assigned to this matter issued a proper form order instructing Delaney to pay the requisite \$5 filing fee or complete and return an application to proceed *in forma pauperis*. (ECF No. 5). After failing to pay the fee or otherwise respond within the time provided by the proper form order, the Undersigned dismissed this action without prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 10). Shortly after the order dismissing this action was filed, the clerk of court received Delaney’s \$5 filing fee. (ECF No. 14). Delaney now seeks to have this court reconsider its previous order of dismissal because he has properly paid the filing fee. Delaney cites to “extraordinary and compelling circumstances” caused by the Covid-19 pandemic and the resulting lockdown at his place of confinement as the cause of his delayed filing fee. (ECF No. 15).

Because Delaney has properly paid the required fee and has expressed his desire to move forward in this litigation, the Court finds it prudent to vacate its prior order of dismissal and allow this action to proceed. The Clerk is ordered to reactivate this action and recommit it back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

December 21, 2020
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge